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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------------|------------------|
| 10/804,211 | 03/19/2004 | Lewis W. Kenyon | 44937 | 6535 |
| 1609 | 7590 | 10/18/2005 | | |
| ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P. 1300 19TH STREET, N.W. SUITE 600 WASHINGTON,, DC 20036 | | | EXAMINER CRANSON JR, JAMES W | |
| | | | ART UNIT 2875 | PAPER NUMBER |

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/804,211 | Applicant(s) KENYON ET AL. | |
| | Examiner James W. Cranson | Art Unit 2875 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-25 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 10 and 26 is/are rejected.
- 7) ☒ Claim(s) 6, 9, 11-13, 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/19/2005 06-08-04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-5, 7-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,848,813 to Patz et al in view of US 6,047,936 to Favotto et al.

6,848,813 to Patz et al. discloses a luminaire housing assembly mounting system which contains electrical components, has a fixing bracket having aperture, and a first fastener hole to secure box-like structure to a support. Patz does not specifically disclose a connector in aperture to receive power conduit. Favotto et al teaches the use of a connector in aperture (figure 3) to receive power conduit in a fixing bracket assembly for electrical components and the use of an L shaped bracket. It would have been obvious to one of ordinary skill in the art at the time of invention to provide Patz with a connector in aperture to receive power conduit as taught by Favotto. The reason is to get a more secure connection to prevent accidental removal.

Regarding claim 1:

A luminaire housing assembly (figure 1,10) comprising:

a luminaire housing (14) having an aperture (figure 1, end of 15, unlabeled)

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a connector in aperture to receive power conduit (figure 1, end of 15, unlabeled)
a first fastener hole in housing for first fastener to secure to support (32)
a bracket (31) having first opening (33) aligned with housing aperture and second opening (32) aligned with said first fastener hole.

Regarding claim 2, according to claim 1, wherein bracket is L-shaped

Favotto teaches the use of an L-shaped bracket.

Regarding claim 3, according to claim 2, wherein bracket has legs with holes.

Favotto teaches the use of an L-shaped bracket with legs and holes.

Regarding claims 4 and 5, according to claim 1, wherein bracket is metal or metal is steel.

Patz discloses the claimed invention except that for the material of which (31) is made.

It would have been obvious to one of ordinary skill in the art at the time of invention to provide Patz with metal (31) bracket or a steel metal bracket since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use for prior art parts does not make the claimed invention patentable over that prior art (*In re Leshin*, 125 USPQ 416).

Regarding claims 7 and 8, according to claim 1, housing is non-metal or a fragile material

Patz discloses the claimed invention except for the luminaire housing material. It would have been obvious to one of ordinary skill in the art at the time of invention to provide Patz with a non-metal luminaire housing or a luminaire housing of fragile material since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use for prior art parts does not

make the claimed invention patentable over that prior art (*In re Leshin*, 125 USPQ 416).

Regarding claim 10, according to claim 1, housing is fiberglass reinforced polyester.

Patz discloses the claimed invention except for the luminaire housing material. It would have been obvious to one of ordinary skill in the art at the time of invention to provide Patz with a fiberglass reinforced polyester luminaire housing since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use for prior art parts does not make the claimed invention patentable over that prior art (*In re Leshin*, 125 USPQ 416).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,116,556 to Roth.

Roth discloses a device and method of transferring mechanical loads and stresses (column 3, lines 25-30) in a luminaire housing assembly. Roth discloses (column 2, lines 61-66) wiring into base of bracket. Roth does not disclose that a rigid electrical conduit is used. It would have been obvious to one of ordinary skill in the art at the time of invention to provide Roth with a rigid electrical conduit because it is well known in the illumination art to use rigid electrical conduits.

Allowable Subject Matter

Claims 6, 9, 11-13 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 6, according to claim 1, ads that steel has a modulus of elasticity of approximately 29 million psi.

. Claim 9, according to claim 1, ads that fragile material is of thin-walled aluminum, stainless steel, brass or copper.

Claim 11, according to claim 1, ads that a spacer is positioned between luminaire housing and support, spacer having second fastener hole aligned with first fastener hole and second opening in bracket adapted to receive first fastener.

Claim 12 depends from claim 9.

Claim 13, according to claim 1, ads that luminaire housing has a third fastener hole and bracket has third opening aligned with third hole.

The limitations in the objected to claims, combined with claim 1 limitations, are not disclosed or taught in the prior art.

Claim 27, according to claim 26, ads that luminaire is non-metallic and has a spacer block.

These limitations, combined with claim 25 limitations are not found or taught in the art of record.

Claims 14- 25 are allowed.

The following is an examiner's statement of reasons for allowance: Independent claim 14 has that luminaire housing assembly comprising first and second end walls, connected by first and second side walls, first and second apertures in end wall, first and second fastener holes, in

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top wall, first and second brackets with opening aligned with holes, first and second connectors in first and second apertures and first and second spacers.

The limitations in claim 14 are not disclosed or taught in the prior art.

Claims 15-25 depend from claim 14, add further limitations and are allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

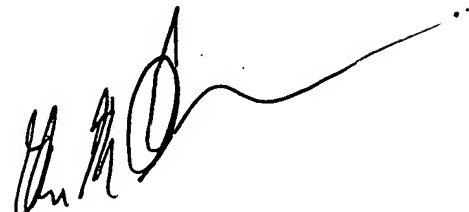
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is US 4,138,716 to Muhlethaler et.al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).




THOMAS M. SEMBER
PRIMARY EXAMINER